

Court of Appeals, State of Michigan

ORDER

Ronald Seaton v Department of Corrections

Docket No. 306042

LC No. 10-001079-AA

Stephen L. Borrello
Presiding Judge

Joel P. Hoekstra

Peter D. O'Connell
Judges

The Court orders that the motion for reconsideration is DENIED. We note that, contrary to appellant's indication, nothing in MCL 791.255 provides an exception to MCL 600.2963(8). Further, MCL 600.5531(a) is immaterial because MCL 600.2963(8) applies to civil appeals generally, not only to civil appeals involving prison conditions. Also, there is no actual conflict between MCL 600.2963(8) and MCR 2.002(D) because, unlike the court rule provision, MCL 600.2963(8) does not govern whether a court may waive or suspend fees for an indigent prisoner as to a current action, but rather precludes a prisoner from commencing a new civil action or appeal until outstanding fees for a prior civil incarcerated action or appeal have been paid regardless of whether the prisoner is currently indigent. Finally, appellant's cursory reference to Const 1963, art 6, § 28 does not establish that application of MCL 600.2963(8) to dismiss his appeal in this matter violated that constitutional provision, particularly where appellant has had judicial review in this matter in the circuit court.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 13 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk